

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: U.S. CELLULAR CORP., COX IOWA TELCOM LLC, AND ILLUMINET, INC., Complainants, vs. QWEST CORPORATION, Respondent.	DOCKET NO. FCU-03-24
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ORDER GRANTING JOINT MOTIONS

(Issued September 25, 2003)

On July 11, 2003, the Utilities Board (Board) issued an "Order Docketing Tariff and Complaint and Ordering Filing Be Made" in Docket Nos. TF-03-201 and FCU-03-24. The order required Qwest Corporation (Qwest) and U.S. Cellular Corp., Cox Iowa Telcom LLC, and Illuminet, Inc. (collectively, Complainants), to file a report by August 11, 2003, defining any outstanding issues remaining.¹

On August 8, 2003, Complainants filed a "Motion for Stay of Discovery or Extension of Time to Respond" (Motion). The Motion indicated that Qwest had served Complainants with what amounted to 93 data requests. According to

¹ In an August 18, 2003, Order Approving Tariff, the Board approved Docket No. TF-03-201, but Docket No. FCU-03-24 was to be kept open. The order affirmed the August 11, 2003, date for Qwest and Complainants to define any outstanding issues.

Complainants, the data requests were overly broad, burdensome, and would require coordination between the Complainants to determine a response. Responses to the data requests were due by August 11, 2003, the same day the outstanding issues list was due to be filed with the Board.

On August 11, 2003, Complainants filed their "Report on Outstanding Issues in Complaint Proceeding." Also on August 11, 2003, Qwest filed its "Identification of the Issues Remaining for Decision in this Docket." In their filings, the parties essentially agreed that the outstanding issue was whether Qwest owed Complainants refunds or credits for intrastate SS7 message services previously provided. Complainants were charged for the services pursuant to a Qwest tariff which became effective in 2001. The 2001 tariff was superseded by TF-03-201.

On August 21, 2003, the Complainants and Qwest filed a "Joint Motion to Withdraw Without Prejudice Complainants' August 8, 2003, 'Motion for Stay of Discovery or Extension of Time to Respond'." On the same date, Complainants and Qwest also filed a "Joint Motion to Temporarily Stay Case to Facilitate Settlement Discussions." The parties requested the case be stayed until October 1, 2003, to allow time to determine whether settlement of the case is possible. The parties indicated they are attempting to develop a regionwide settlement of the case. In requesting the temporary stay, the parties noted that additional extensions of time may be requested and neither party has waived any issue or admitted any liability or responsibility by entering into settlement negotiations.

The Board has reviewed the two joint motions filed by Complainants and Qwest on August 21, 2003, finds them to be reasonable and will grant both motions.

IT IS THEREFORE ORDERED:

1. The "Joint Motion to Withdraw Without Prejudice Complainants' August 8, 2003, 'Motion for Stay of Discovery or Extension of Time to Respond'," filed on August 21, 2003, is approved.

2. The "Joint Motion to Temporarily Stay Case to Facilitate Settlement Discussions" filed on August 21, 2003, is approved.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 25th day of September, 2003.